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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,687	02/07/2001	Mark James Kline	8415	5337

27752 7590 04/19/2007
THE PROCTER & GAMBLE COMPANY
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EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
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3761

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/778,687	Applicant(s) KLINE ET AL.	
	Examiner C. Lynne Anderson	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 30 January 2007 have been fully considered but they are not persuasive.

In response to the applicant's argument that Deagan's helmet removal device does not transform the element by changing the size of the helmet, it is noted that the size of the helmet is determined by the interior volume available for a wearer's head. Since the bladder reduces the interior volume of the helmet by inflating and occupying the interior volume, the bladder reduces, or changes, the size of the helmet. Inflating the bladder transforms the helmet to a smaller size, which aids in the removal of the helmet from the wearer's head. Therefore, Deagan fulfills the limitations of the claim.

In response to the applicant's analogy of a shoe with an object placed in the toe, it is noted that the shoe would no longer fit a wearer with a larger shoe size, but would now be modified (i.e. had its size changed) such that a wearer with a smaller shoe size could wear the shoe. Therefore, the effective size of the shoe has been changed.

In response to the applicant's argument that Shaw does not disclose a connection made between the indicator 20 and the aperture 21 when the resilient member 15 moves, it is noted that the present claim does not require a physical connection be made between one portion of the article and another. When the resilient member of Shaw moves, a visual connection is made between the indicator and the aperture that was previously blocked by the frangible means. Therefore, the movement

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of the resilient member and frangible means of Shaw causes a connection between the indicator and the aperture.

In response to the applicant's argument that the device of Shaw does not "assist" in the removal of the article, it is noted that the present specification does not clearly define the term "assist" and therefore the common definition of the term is considered. The device of Shaw assists in the removal of the article by providing a signal to a user that the article needs to be removed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19 and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Deagan (5,566,398).

With respect to claim 19, Deagan discloses a changing aid, as shown in figure 4, comprising a mat 20 and an effect generating mechanism 24, 40 joined to the mat 20 by means 26. The effect generating mechanism 24, 40 comprises an air jet. When the effect generating mechanism 24, 40 is activated, it moves an article 12 that is worn externally on a body of a wearer, thereby transforming the article, to assist in the removal of the article 12, as shown in figures 1 and 2.

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With respect to claim 21, the effect generating mechanism 24, 40 comprises the expansion of the bladder 24 which reduces the interior size of the article 12, as shown in figure 2, and therefore changes a material property of the article.

With respect to claim 22, the effect generating mechanism 24, 40 comprises the discharge of compressed gas from canister 40, which is considered a thermal effect.

With respect to claim 23, the effect generating mechanism 24, 40 deactivates adhesive tabs 48 during the transformation.

With respect to claim 24, the change to the article is temporary.

With respect to claim 25, the claim further limits a member of the Markush group of claim 19 that is not relied upon in the rejection of claim 19, and therefore Deagan anticipates the claim.

Claims 19 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaw (2,681,032).

Shaw discloses a changing aid comprising a mat 15 and an effect generating mechanism 18 joined to the mat 15, as shown in figure 3. The effect generating mechanism transforms a portion of the article by facilitating contraction of the mat 15 to allow for a connection between a first portion, signal 20, and a second portion, opening 21, as shown in figure 4. The indication of wetness of the diaper assists in the removal process of the article.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

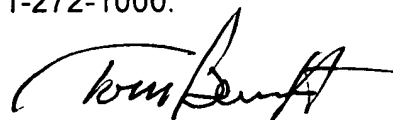
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W/A
cla

April 11, 2007



TOM BARRETT
PRIMARY EXAMINER
TECHNOLOGY CENTER 3700